

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 11-3118
)
)
)
SETH YOSER,)
)
)
Defendant.)

ORDER DENYING MOTION TO INTERVENE AS MOOT

Before the Court is the January 17, 2012 Motion to Intervene brought by Marisa Yoser ("Marisa Yoser"), wife of Defendant Seth Yoser ("Seth Yoser"). (See Motion 1, ECF No. 5.) Plaintiff the United States of America (the "Government") has not responded and the time for doing so has passed. W.D. Tenn. Civ. R. 7.2 ("The response to the motion . . . shall be filed within 14 days after service of the motion."). For the following reasons, Marisa Yoser's Motion is DENIED AS MOOT.

On December 22, 2011, the Government filed an Application for Writ of Execution (the "Application") against Seth Yoser, seeking to have a Writ of Execution issued for a condominium located at 109 North Main Street (the "Property") in Memphis, Tennessee. (See Application 1, ECF No. 1.) The Court issued

the Writ of Execution. (See ECF No. 3.) Marisa Yoder seeks to intervene because she has an interest in the Property "and is so situated that disposing of this action in the manner requested by the [G]overnment may as a practical matter impair or impede her ability to protect her interest." (Motion 1.)

On February 29, 2012, the Government moved to withdraw the Writ of Execution. (See Motion to Withdraw Writ Issued, ECF No. 11.) On March 1, 2012, the Court granted the Government's motion without prejudice. (See Order Granting Motion to Withdraw Writ of Execution Without Prejudice, ECF No. 12.) Because there is no Writ of Execution before the Court, there is no basis for Marisa Yoser's Motion. Thus, Marisa Yoser's Motion is DENIED AS MOOT, subject to renewal should the Writ of Execution against the Property be reentered.

So ordered this 7th day of June, 2012.

s/ Samuel H. Mays, Jr. _____
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE